

United States District Court  
Northern District of California

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

IN RE: GERMAN AUTOMOTIVE  
MANUFACTURERS ANTITRUST  
LITIGATION

MDL No. 2796 CRB (JSC)

\_\_\_\_\_ /  
This Order Relates To:

ALL ACTIONS  
\_\_\_\_\_ /

**PRETRIAL ORDER NO. 4:  
INITIAL AND RESPONSIVE  
PLEADING DEADLINES, INITIAL  
CASE STATUS CONFERENCE, AND  
REQUEST FOR PROPOSED  
PROTOCOL FOR COMMON BENEFIT  
WORK AND EXPENSES**

In Pretrial Order No. 3, the Court appointed Plaintiffs’ Lead Counsel and the Plaintiffs’ Steering Committee. (Dkt. No. 223.) With these appointments made, the Court now sets deadlines for the filing of initial and responsive pleadings in this MDL, schedules an initial case status conference, and requests that Plaintiffs’ Lead Counsel submit a proposed protocol for common benefit work and expenses.

**1. Initial and Responsive Pleading Deadlines**

Mr. Simon, as Co-Lead Counsel, shall file a consolidated class action complaint on behalf of an Indirect Purchaser Putative Class; Mr. Burns, as Co-Lead Counsel, shall file a consolidated class action complaint on behalf of a Direct Purchaser Putative Class; both consolidated class action complaints shall be filed on or before **Thursday, March 15, 2018**.

Defendants shall answer, move to dismiss, or otherwise respond to the consolidated class action complaints on or before **Thursday, May 17, 2018**. Unless the Court orders otherwise pursuant to a party’s request made prior to the due date, briefs or memoranda of points and authorities shall comply with the page limitations and other requirements set forth in Civil Local Rule 7.

1           2.       **Initial Case Status Conference and Conference Agenda**

2           The Court will conduct an initial case status conference on **Thursday, April 5, 2018 at**  
3 **10:00 a.m.** in Courtroom No. 6, 17th Floor, 450 Golden Gate Avenue, San Francisco, California.  
4 Plaintiffs’ Lead Counsel and lead counsel for each Defendant are required to appear in person at  
5 the conference. On or before **Friday, March 30, 2018**, Plaintiffs’ Lead Counsel and lead counsel  
6 for each Defendant shall submit a joint written statement. The joint statement shall advise the  
7 Court as to the status of all litigation pending in this MDL, address the nature and potential  
8 dimensions of the litigation, highlight the major procedural and substantive problems likely to be  
9 encountered, and advise the Court of the steps the parties have taken to preserve relevant evidence,  
10 including electronically stored information. Plaintiffs’ Lead Counsel and lead counsel for each  
11 Defendant shall be prepared at the April 5, 2018 conference to answer questions from the Court  
12 regarding written submissions, litigation status, and evidence preservation.

13           3.       **Listening Live to the April 5, 2018 Initial Case Status Conference**

14           Consistent with Federal Rule of Civil Procedure 1, which commands that courts and  
15 parties construe, administer, and employ the Rules “to secure the just, speedy, and inexpensive  
16 determination of every action and proceeding,” counsel, other than Plaintiffs’ Lead Counsel and  
17 lead counsel for each Defendant, may listen to the April 5, 2018 initial case status conference  
18 through CourtCall and thus need not incur the expense and burden of attending this conference in  
19 person. Access to the conference may be arranged by calling CourtCall at (866) 582-6878 not  
20 later than 3:00 p.m. on April 4, 2018. CourtCall participants may only listen to the proceedings.

21           4.       **Submission of a Proposed Protocol for Common Benefit Work and Expenses**

22           On or before **Friday, January 19, 2018**, Plaintiffs’ Lead Counsel shall submit a proposed  
23 pretrial order with a proposed protocol for common benefit work and expenses. The proposed  
24 protocol shall set specific guidelines and rules for work done and expenses incurred for the  
25 common benefit of all Plaintiffs in this MDL. As an example of the level of detail that is  
26 requested, Plaintiffs’ Lead Counsel are encouraged to review Pretrial Order No. 11 (Dkt. No.  
27 1254) in *In re: Volkswagen “Clean Diesel” Marketing, Sales Practices, and Products Liability*  
28 *Litigation*, Case No. 3:15-md-02672-CRB (JSC) (N.D. Cal.).

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**IT IS SO ORDERED.**

Dated: December 20, 2017



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CHARLES R. BREYER  
United States District Judge